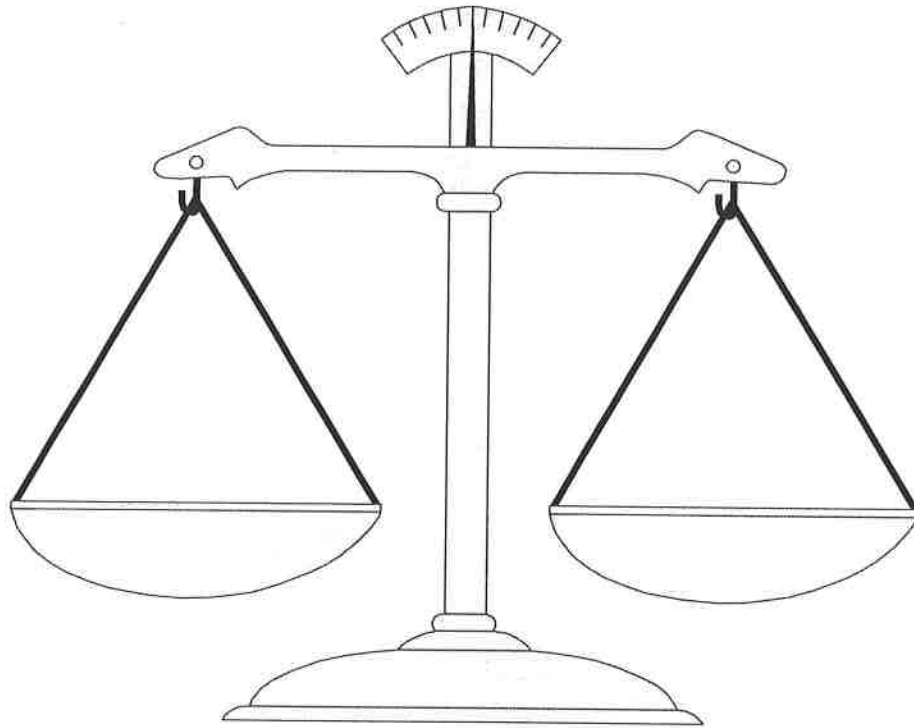


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COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

November 20, 2012

**N.J. Soroie, CSR, P.O. Box 2102, Bay St. Louis, MS 39521
(228) 467-2199**

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES
November 20, 2012

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
AVENUE, BILOXI, MISSISSIPPI, ON THE 20TH DAY OF NOVEMBER 2012
COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

JIMMY TAYLOR, Acting Chairman
RICHARD GOLLOTT
SHELBY DRUMMOND
STEVE BOSARGE

ALSO PRESENT:

DR. WILLIAM WALKER, Executive Director DMR
JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
SANDY CHESNUT, ESQ., Asst. Attorney General

1

1 unanimously. Thank you.

2 D. Public Comments

MR. TAYLOR: Next is our public comments. If
you want to make a public comment, please, in the back of the
room we have forms you have to fill out. And we welcome your
comments. We don't take them lightly. But we're also under
time constraints, mostly in these meetings a lot of times, so
we limit them to three minutes a person. So first up is --
y'all excuse me. I left my glasses in the car. Mr. Gilbert
Ramsey.

When you come, please come to the microphone and
state your name and then, you know, talk about your three
minutes.

MR. RAMSEY: Good morning, sir. My name is
Gilbert Ramsey. I'd like to present an opportunity for
economic development for global recognition for hospitality
state.

I've come before disabled veterans in the Gulf
Coast with the Naval retirement home. They recognize the
discrepancy of the Harrison County senior citizens game, as
well as Gulf National Sea Shores opportunity for disabled
members.

And I come before you to offer an opportunity
for global recognition. I have people calling me from
Australia right now. I have people coming from Canada and all

3

1 A. Call to Order

MR. TAYLOR: I'd like to call the November
meeting of the Mississippi Department of Marine Resources to
order.

5 B. Approval of Minutes Commission Meeting October 16, 2012

MR. TAYLOR: And first on the agenda is approval
of the minutes from the October 16 meeting. Are there any
changes? Or do I have a motion to accept them?

MR. DRUMMOND: So moved, Mr. Chairman.

MR. TAYLOR: Do I have a second?

MR. GOLLOTT: Second.

MR. TAYLOR: Any discussion? All those in
favor. Passes unanimously.

14 C. Approval of Agenda

MR. TAYLOR: Next is approval of the agenda. Do
we have any changes to the agenda?

DR. WALKER: Yes, sir, Mr. Chairman. Item G-4
should be an action item; G-4 should be action. And G-5 should
be no action.

MR. TAYLOR: Thank you. Do I have a motion to
accept the --

MR. GOLLOTT: So moved.

MR. TAYLOR: Do I have a second?

MR. DRUMMOND: Second the motion, Mr. Chairman.

MR. TAYLOR: All those in favor. Passes

2

over the United States calling me right now as we speak to
develop this manufacturing opportunity of employment, economic
development. I went to teacher's conference at Hard Rock
Casino, and Captain Miller of the oceanographic department at
Stennis Space Center recognized what I'm doing. And he's
intrigued in conference. We're going to have confrontation to
discuss this, conference to discuss this, with their board
members at the MSET Stennis Space Center and Magnolia Business
Line seminars and everyone else in the world what I'm pursuing.

I've been working on this with the University of
Southern Mississippi and the rehabilitation service out of
Jackson, Mississippi, and I cannot emphasize enough that it's a
unique opportunity for everybody to come on board with.

And I'd like to recognize a demolition process
Ocean Springs marina, the boat facilities y'all fixing to
demolition the first of the month, taking bids for it. I'd
like an opportunity to come on board and discuss with
partnering up with the DMR to associate myself with them to
associate myself with them to accommodate everybody for global
recognition for economic development manufacturing options.

My name is Gilbert Ramsey. My name of the
company is Backwoods Flying Angels ARV.

I've already been recognized by multiple
organizations, and I'm here to represent this as a unique
opportunity for everybody to recognize everybody together

4

1 entity.

2 Thank you very much for your time. Have a
3 blessed day, sir.

4 MR. TAYLOR: Thank you very much for your
5 comments. We appreciate it. Anything that can be done to
6 promote the coast and the people of the State of Mississippi is
7 very much appreciated.

8 Next up is Richard Gable.

9 MR. GABLE: Yes. My name is Richard Gable. I
10 come before you to ask you if you could or if the members could
11 take into consideration to change or adjust the gill net laws.

12 I'm a crab fisherman. We catch our own bait or
13 we did catch our own bait. Now the way it stands with approved
14 webbing, which would be cotton or linen, we can't get it
15 nowhere. It's not available to get.

16 Every month we have to spend right at six
17 hundred to seven hundred dollars a month just in bait.

18 I go out of state to get the bait in order to
19 fish my traps. Well, the crabs ain't too good. They haven't
20 been too good.

21 So in order for us to try to make our ends meet,
22 we figure if we could catch our bait, then that would be on the
23 profit side and we wouldn't be keep losing.

24 I have sent letters with a few ideas saying to
25 limit the nets to each county, put a higher price on the permit

5

1 to fish the bait and for bait purposes only, no redfish, no
2 trout, no flounder, just pogeys, catfish, mullet, spots,
3 something that can be used as bait.

4 I feel like that that would help us. It would
5 help the crabbers, I know. And if it could be adjusted and the
6 price of the permit per license go up for the nets, then it
7 would keep the BS out of the fishing industry like it was 25
8 years ago, which where the problems was created.

9 And what I was asking for was to take into
10 consideration to let us use nylon because if one happened to be
11 left, which no fisherman is going to leave his net, but if one
12 happened to be left, and it was nylon, the crabs would eat the
13 net up. It wouldn't stay there, which monofilament would.
14 That's why I ask for small size twine nylon.

15 Thank you.

16 MR. BOSARGE: Have you considered a small seine,
17 purse seine? I know we had some fellows over in Jackson County
18 that used to catch bait with a seine. That's all they were
19 after was crab bait.

20 MR. GABLE: I built a hall seine back in '97
21 when the law was passed. And the price to build a seine is
22 extremely high.

23 Mr. George Booth, I've talked to him, to build
24 one now it would run about \$6,000 versus using a three inch
25 mesh gill net, nothing no smaller, maybe a little bit bitter

6

1 but not much bigger, would be the cheaper version of -- and you
2 wouldn't catch as many fish at one time.

3 MR. BOSARGE: I agree. And I thought the same
4 thing, trying to figure out a way to have a gill net for bait.
5 And it's an enforcement issue. But I understand where you're
6 coming from, and being able to compete and catch your own bait
7 would save you money and allow you to compete more. And maybe
8 we could ask the staff to look into it and see what they may
9 could do to allow you to do what you want to do and still
10 maintain the gill nets or whatever you have.

11 MR. GABLE: Well, the way the laws are is good
12 laws except the part of the degradable material which can't be
13 gotten. If that was available that I could get that, then that
14 would be okay. I'd have to change the net every year because
15 it would rot to nothing. But the problem is there's no
16 company, not even out of the country, that even makes a cotton
17 or linen net.

18 MR. BOSARGE: The times are going past that, so
19 I agree with you.

20 MR. TAYLOR: Thank you very much.

21 MR. GABLE: Thank you.

22 MR. GOLLOTT: Mr. Gable, can I make a suggestion
23 to you?

24 There's five shrimp processing plants in Biloxi.
25 And there's a lot of bycatch goes away. I mean, you know, we

7

1 throw it away every day during shrimp season. I believe if you
2 get in touch with some of these shrimp dealers, they would give
3 you the bycatch and it wouldn't cost you anything, small fish
4 and stuff.

5 MR. GABLE: What's your name?

6 MR. GOLLOTT: Richard Gollott.

7 MR. GABLE: Mr. Gollott, I've shrimped, I've
8 oystered. Them little, the bycatch from the trawls -- and I
9 meant to address that -- I wasn't targeting the shrimp boats
10 when I was in the letters. But the bycatch from a trawl, it
11 don't say in the pot long enough and there's not enough oil in
12 the fish to attract crab.

13 And we tried the bycatch because when I'd
14 shrimp, we would save it to put it in a crab trap. Well, you
15 could fill a crab trap box completely full of bycatch, and like
16 I said, there's not enough of that oil to attract the crab for
17 it to work.

18 I had considered that. We've tried that. And
19 it just don't work like the menhaden does or like a mullet
20 would or like a catfish would. The mullet's got oil to it.
21 The catfish just holds up better in the summer months and it
22 don't melt out the traps. And the little bycatch, if you put
23 it in your trap, two days after you put it in it, all the small
24 fish has done eat it out, and it's gone, and the crabs can't
25 come to it or won't come to it.

8

1 MR. GOLLOTT: Just a suggestion.
 2 MR. TAYLOR: Thank you very much. We appreciate
 3 your comment.
 4 I'd like to recognize Senator Brice Wiggins from
 5 Jackson County. Thank you for coming. We always welcome our
 6 legislators and wish more of them would come more often.
 7 Next up is Bruce Duckett.
 8 MR. DUCKETT: It's tough getting old. I
 9 understand that very much.
 10 MR. TAYLOR: I notice you have your glasses on.
 11 MR. DUCKETT: Yes, I have to have mine.
 12 But I wanted to come this morning and tell you I
 13 represent a group in Ocean Springs called Friends of the Ocean
 14 Springs Harbor. And we're about 50 folks, friends and
 15 neighbors, that live around the harbor.
 16 And we are delighted to see that the commission
 17 has given up the idea of this land swap which we've been
 18 opposed to. And we're delighted to see that you are going to
 19 work with the county to implement the county proposal so the
 20 harbor commission can manage those boat slips and the space
 21 there where the building is can be turned to green space and
 22 used for overflow parking for the ramps.
 23 And we completely support that, and we'll do
 24 anything we can to help you do that. Just let us know what we
 25 can do, and we'll be glad to do it.

9

1 to welcome him on board.
 2 MR. TAYLOR: Thank you.
 3 F. Marine Patrol
 4 MR. TAYLOR: Next up is marine patrol. Walter
 5 Chatagnier? It's Rusty.
 6 MR. PITTMAN: Good morning, Mr. Chairman,
 7 commissioners, Dr. Walker, Sandy, Senator Wiggins.
 8 Quick update on Chief Chatagnier's progress. He
 9 is at home recuperating, getting stronger every day, and crying
 10 out for visitors. So if y'all get a chance, he would
 11 appreciate y'all stopping by and checking on him. Need to make
 12 him get up out of his chair, though. He's having a hard time
 13 getting up and walking, and he needs to walk. So if you stop
 14 by, just make him go walking down the street some.
 15 You've got the report in front of you. Nothing
 16 really major that stands out that we see.
 17 Saltwater fishing violations did go down some
 18 this month -- last month.
 19 Did have some undersized fish tickets,
 20 violations that were made.
 21 One was over the limit of red drum. You see
 22 that at six over 30 inches. You're allowed one over 30, and
 23 this particular subject had six of them over 30 inches.
 24 We had no boat and water safety classes.
 25 Boating accidents with injuries, we had three.

11

1 And the third thing we would like is, and this
 2 may or may not be in your purview, but we would love to see
 3 that recreational area that will be created there named the Dr.
 4 Tom McLain Recreation Area. Tom, as you know, spent most of
 5 his life doing the best he could for the Ocean Springs harbor
 6 and Ocean Springs as a community. So we would love to see that
 7 area named after him.
 8 Thank you very much.
 9 MR. TAYLOR: Thank you very much, Mr. Duckett.
 10 Your comments are very well taken, and if we have anything,
 11 we'll consider that if we're able to do it. Thank you.
 12 MR. DUCKETT: Thank you. Be glad to help.
 13 E. Executive Director's Report
 14 MR. TAYLOR: Next up is the executive director's
 15 report.
 16 DR. WALKER: Commissioners, I just want to take
 17 this opportunity to formally introduce the commission to Danny
 18 Guice who's standing in the back of the room. He's the better
 19 looking one next to Joe. Danny joined us this week as deputy
 20 director, a position that's been vacant for -- ever since Corky
 21 Perret retired. And we're tickled to death to have Danny on
 22 board with us. We worked with him during his days at the
 23 legislature. He was always very supportive and knowledgeable
 24 of the programs that go on here at the department.
 25 So I just would like to give you the opportunity

10

1 Boating accidents without injuries, we had three.
 2 We assisted the annual coastal cleanup at Jones
 3 Park.
 4 We had two outreach presentations, City of
 5 Biloxi Safety Fair on Biloxi Town Green, and Pass Christian's
 6 night out against crime.
 7 No dive activity reported.
 8 We also had this past month nine officers obtain
 9 the swift water training in Pearl River County in Picayune.
 10 That gives us a total now of 17 officers trained in swift
 11 water. Our goal is to get the rest of the officers trained by
 12 spring of next year.
 13 On our JEA totals, we had 75 patrols, 1,005 man
 14 hours, 853 contacts were made, we had three enforcement action
 15 reports, nine state issued citations.
 16 MR. TAYLOR: Thank you.
 17 MR. PITTMAN: Thank you, sir.
 18 G. Marine Fisheries
 19 MR. TAYLOR: Next up marine fisheries, Dale
 20 Diaz.
 21 MR. DIAZ: Good morning, Commissioner Taylor,
 22 commissioners, Dr. Walker, Ms. Chesnut, Senator Wiggins.
 23 I've got a few items I want to mention to you
 24 before we start working through the agenda items for marine
 25 fisheries.

12

1 One, I want to let y'all know that Mr. Buck
2 Buchanan has put in his paperwork to retire. And he is in the
3 process of doing that right now. His last official day is
4 going to be December 31. But the way it worked, he had enough
5 leave where his last day he actually had to report was one day
6 last week. So anyway, Buck is working his way towards
7 retiring.

8 I do want to let you know Buck has been a state
9 employee officially since August 1, 1986. And before that, he
10 did work contract for the Bureau of Marine Resources then for a
11 few years. So he's been around a long time. We're losing a
12 lot of historical knowledge.

13 In the course of his time here, Buck has done
14 almost everything that can be done in marine fisheries. And
15 since 2003, he's been the finfish bureau director, and he's
16 held that position all the way until the time he retired.

17 We're going to miss a lot of the things about
18 him, though. I mean, God kind of broke the mold when he made
19 Buck. I mean, if y'all know him, that's a fact. But you can't
20 replace somebody like him. If anybody needed help in fisheries
21 with anything, Buck would step in. If somebody was writing a
22 grant for the first time, he'd help them. If we're starting a
23 new program, even if it wasn't in his bureau, he'd help. If
24 people ran samples, he'd be the first one in the lab to help
25 work them up. So it's a big loss for us. But we're glad for

13

1 Buck, and we're glad for the service that he provided to the
2 department over the years.

3 So if you get a chance when you see him, please
4 wish him well.

5 Next up, I want to let you know about the
6 commercial quotas where we stand with those.

7 Currently for flounders, that's as of October
8 31, we have harvested so far 33,656 pounds. The total quota
9 that runs through December 31 is 74,000 pounds.

10 For redfish through October 31 for commercial,
11 we've harvested 29,702 pounds. That quota is total allowable
12 catch is 35,000 pounds, and that runs through December 31. And
13 we're going to stay on top of that just in case they happen to
14 meet the 35,000 pound before that date.

15 As y'all know, speckled trout is already closed.
16 It closed sometime back.

17 So that's where we stand with the commercial
18 quotas.

19 I sent an e-mail to the commissioners a little
20 while back. But I did want to make this statement during my
21 public comments about the regional management.

22 Regional management for recreational red snapper
23 has been discussed by the Gulf of Mexico Fisheries Management
24 Council at its last three meetings. Regional management would
25 subdivide the Gulf into separate areas with each area having

14

1 its own allocation.

2 Currently recreational fishing for red snapper
3 is managed for the entire U.S. Gulf of Mexico as a single
4 stock.

5 At the November meeting at the Gulf of Mexico
6 Fisheries Management Council, a motion was passed to have
7 scoping meetings throughout the Gulf and to get public input on
8 the regional management concept for recreational red snapper
9 fishery.

10 Scoping is an early step in the amendment
11 process, and it is started when there is just a general idea or
12 a concept. So the idea is to send it out for public comments
13 through the scoping process to see if the concept has support
14 and merit and to get ideas from the public of what type of
15 things they would like to see included in the amendment that's
16 being put forth.

17 So it's just an early step in the process to let
18 the public weigh in and see what they think and get some ideas.

19 The scoping meeting for Mississippi will likely
20 take place sometime in early January. Regional management has
21 its pros and cons, so, I mean, it's just -- we're in the
22 exploratory phase with the Gulf Council right now looking into
23 this.

24 I guess the primary pro would be its flexibility
25 to manage the stock in a way that best meets the needs and

15

1 desires of the users in that region is the primary advantage of
2 regional management.

3 Currently, for red snapper there's a Gulfwide
4 season. It opens on June 1. There's a two fish bag limit. I
5 think last year it ran for 40 days.

6 Under regional management, decisions could be
7 made to do things differently within the region. You could
8 look at different start dates. You could look at potentially
9 weekend only seasons, maybe different bag limits, a whole host
10 of different management options could be considered on a
11 regional basis that doesn't really work for the Gulfwide basis.

12 To me, the primary disadvantage to regional
13 management is, you know, there may be more than one state in a
14 region, and if that's the case, getting cooperation amongst a
15 lot of different decisionmakers that will have some say in the
16 process will probably be difficult and hard to manage because
17 it is a complicated concept, and there's a whole lot of things
18 to factor in in regional management.

19 But mostly I just wanted to let you know that
20 the Gulf of Mexico Fisheries Management Council is exploring
21 that, and there will be some scoping meetings taking place. So
22 if y'all have any comments, please let me know what your
23 comments are. I'd love to hear them. And you can e-mail me or
24 call me or any way you'd like to let me know what your thoughts
25 are.

16

1 First up for marine fisheries on the agenda is
2 going to be an action item, and it's Title 22 Part 13 which
3 deals with aquaculture. And Joe Jewell is going to take care
4 of that. Joe?

5 MR. GOLLOTT: Mr. Chairman, can I interrupt just
6 a minute?

7 I'd like to make a motion that we put the oyster
8 season G-5 back on an action.

9 MR. TAYLOR: Okay. Do I have a second?

10 MR. BOSARGE: Yes, I'll second.

11 MR. TAYLOR: All those in favor. Passes
12 unanimously. Okay.

13 MR. GOLLOTT: Okay.

14 3. Title 22 Part 13 Update (NOI)

15 MR. JEWELL: Good morning, commissioners, Sandy,
16 and Dr. Walker. I want to wish everybody a Happy Thanksgiving.
17 The holidays are on us.

18 This morning, I have before you a proposal to
19 amend Title 22 Part 13 to incorporate onshore aquaculture.

20 We have had some input from our seafood
21 industry, particularly one of our larger dealer processors.
22 Mr. Jenkins is here in the audience today. I'd like to
23 recognize him.

24 Currently the way our ordinance reads, our
25 regulation reads, it allows for just offshore aquaculture. The

17

1 stock and not intended for direct consumption.

2 All onshore molluscan shellfish aquaculture
3 facilities are required to certify that all stock cultured and
4 originating from sources outside of the State of Mississippi
5 are free of any diseases or parasites harmful to marine
6 organisms. Such certification shall be submitted to the MDMR
7 prior to the operation of the aquaculture facility.

8 Prior to the release into the waters of the
9 State of Mississippi, any discharge from an onshore molluscan
10 shellfish aquaculture facility is required to be treated to
11 eliminate any parasites or diseases harmful to the marine
12 organisms. Documentation of this process shall be submitted to
13 the MDMR.

14 Prior to the release into the waters of the
15 State of Mississippi, any effluent from an onshore molluscan
16 shellfish aquaculture facility is required to be treated to
17 reduce to pre-approved levels of all chemicals, drugs, or any
18 other substances which may be present in the effluent.
19 Documentation of this process shall be submitted to the MDMR.

20 Only the aquaculture species native to the State
21 of Mississippi, including polypoid native species, shall be
22 permitted.

23 In addition to the aforementioned requirements
24 for molluscan shellfish culture, an applicant shall also abide
25 by all relevant Commission of Marine Resources regulations

19

1 proposal today would amend those rules to include onshore
2 facilities.

3 In essence, what Mr. Jenkins would like to do or
4 make available to the seafood industry is the ability to
5 produce small spat for his lease on shore. He would do that
6 primarily in the Pass Christian harbor area.

7 So that would require us to modify our current
8 rules and regulations to incorporate that.

9 And in order to do that, we would have to modify
10 some very specific sections in Part 13, and that would include
11 these changes to Chapter 4 and to Chapter 7. They're
12 essentially the same changes. We would insert the language,
13 other than approved onshore molluscan shellfish facilities.

14 And the reason we would do that, that would
15 allow for the production of spats on shore.

16 The other significant change, and unfortunately
17 I'm going to have to read this into the public record, would be
18 the addition of Section 103 in addition. It ends at 102, so
19 we'd have to add in Section 103 to require onshore aquaculture.
20 And this would be establishing the specific regulations for
21 that activity.

22 Proposed would be onshore culture of molluscan
shellfish including any aquaculture operation of molluscan
24 shellfish on the mainland and all offshore or barrier islands
25 that involve either the production or grow out of spat of seed

18

1 governing shellfish.

2 So that's the essence of what we would be asking
3 for today is to insert this language to allow for onshore
4 aquaculture.

5 I do want to take a minute to explain this. Our
6 attorneys have explained this at previous presentations, and
7 our staff has also mentioned this additional process that has
8 to be abided by when filing a notice of intent implementing the
9 Administrative Procedures Act.

10 If this law became effective July 1 of this
11 year, it includes some very specific things that are required
12 prior to filing of a notice of intent. Essentially it
13 establishes a small business regulatory review committee that
14 provides that this committee review any rule that is
15 established by a state agency. The review committee is
16 assigned to the Mississippi Development Authority. And the
17 committee consists of 12 members, four appointed by the
18 governor, four members appointed by the lieutenant governor,
19 and four members are appointed by the speaker of the House.

20 Now, I'll read to you one of the key provisions
21 of this new state law. Prior to submitting proposed permit
22 rules or adoption, amendment, revision or revocation pursuant
23 to the Mississippi Administrative Procedures law, which is what
24 we're engaged in this morning, the agency shall comply with
25 Section 25-43-1.102, 105.2, Subsection D, in order to determine

20

1 whether the proposed rules affect small businesses by preparing
2 an economic impact statement that includes -- and then it goes
3 on to list all the requirements.

4 So I just wanted to make the marine commission
5 aware this morning we're going through this process now since
6 July 1 that we will be asking for a notice of intent, to go out
7 for a notice of intent, but prior to us being able to file that
8 with the Secretary of State, we'll have to get an economic
9 impact statement.

10 So at this time, I'd need a motion from the
11 commission to proceed.

12 MR. GOLLOTT: Joe, let me ask you a question.
13 Why would you make them go to the expense of treating the
14 discharge water when the oysters would come off of Pass
15 Christian reef, and the water would probably be circulating on
16 that area down there and in fact discharged back?

17 MR. JEWELL: That's correct. My understanding
18 of the operation -- there's no business plan been filed for
19 development at this point -- but my understanding from speaking
20 with the processor is that that's exactly what would happen.
21 And the rules, the language is that way because right now we
22 allow for that.

23 But we can't anticipate someone else coming
24 forward that may want to establish an aquaculture facility that
25 would use some other chemical or some other process. So when

21

1 we wrote the language, we wanted to incorporate all types of
2 possibilities in the future so we wouldn't have to modify the
3 language again.

4 MR. GOLLOTT: Mr. Chairman, I'd like to make a
5 motion that we approve this language.

6 MR. TAYLOR: We have a motion on the floor to
7 send it out for notice of intent pending the economic impact
8 analysis. Do I have a second?

9 MR. BOSARGE: I'll second it.

10 MR. TAYLOR: All those in favor. Passes
11 unanimously. Thank you, Joe.

12 MR. JEWELL: Thank you, commissioners.

13 MR. DIAZ: Next up for marine fisheries is going
14 to be Matt Hill, and he's going to give you a presentation on a
15 means test for recreational speckled trout fishing. And this
16 is an action item.

17 4. Means Test

18 MR. HILL: Good morning. Good morning, Sandy.
19 I'm here this morning to do a presentation on our spotted
20 seatrout commercial fishing means test options. Basically
21 there's five options, and I'm just going to have to read them
22 all to you.

23 Option one which we discussed at the last
24 meeting is individuals harvesting spotted seatrout for sale
25 must possess a spotted seatrout endorsement, and we just put

22

1 the monetary value of \$10 for this endorsement, in addition to
2 a current applicable harvester's license. To qualify for this
3 endorsement, an application must be completed and the fisher
4 must present proof that \$5,000 of seafood product was sold in
5 any 12 consecutive months of the previous 36 months. Proof
6 will be copies of sales records and a copy of the applicable
7 harvester's license for the appropriate time period. This
8 endorsement will be valid for a three year period at which time
9 the fisher must submit proof that they are eligible for a new
10 spotted seatrout endorsement.

11 The second option today would be individuals
12 harvesting spotted seatrout for sale must possess a spotted
13 seatrout endorsement, \$10 again, in addition to a current
14 applicable harvester's license. To qualify for this
15 endorsement, an application must be completed and the fisher
16 must present proof that 10 percent of their net income came
17 from commercial fishing activities within one of the previous
18 three tax years. Proof would be a form provided by the DMR
19 completed by a licensed tax preparer possessing a PTIN or
20 preparer tax identification number. Must be notarized and
21 submitted to the department. This endorsement will be valid
22 for a three year period at which time a new form must be
23 submitted for a new spotted seatrout endorsement.

24 Option three basically combines these two. It
25 gives you the option. Individuals harvesting spotted seatrout

23

1 must possess a spotted seatrout endorsement, \$10, in addition
2 to a current applicable harvester's license. To qualify for
3 this endorsement, an application must be completed. The fisher
4 must present proof that \$5,000 of seafood product was sold in
5 any 12 consecutive months of the previous 36 months. Proof
6 would be copies of sales records and a copy of the applicable
7 harvester's license for the appropriate time period or the
8 fisher must present proof that 10 percent of their net income
9 came from commercial fishing activities within one of the three
10 previous tax years. Proof would be form provided by the DMR
11 completed by a licensed tax preparer, notarized, and submitted
12 to the department. This endorsement will be valid for three
13 year period at which time a new form must be submitted for a
14 new spotted seatrout endorsement.

15 And option four, basically it takes the 36 month
16 time limit off and allows them to go back further than 36
17 months. It's still a combined. Individuals harvesting spotted
18 seatrout for sale must possess a spotted seatrout endorsement,
19 \$10, in addition to a current applicable harvester's license.
20 To qualify for this endorsement, an application must be
21 completed. The fisher must present proof that \$5,000 of
22 seafood product was sold in any 12 consecutive months. Proof
23 would be copies of sales records and a copy of the applicable
24 harvester's license for the appropriate time period or the
25 fisher must present proof that 10 percent of their net income

24

1 came from commercial fishing activities in a previous tax year.
2 Proof would be a form provided by the MDMR completed by a
3 licensed tax preparer possessing a PTIN, notarized, and
4 submitted to the department. This endorsement will be valid
5 for a three year period at which time a new form must be
6 submitted for a new spotted seatrout endorsement.

7 And option five which is the staff's
8 recommendation is status quo.

9 MR. TAYLOR: Thank you.

10 Just a comment, Matt. There's nothing in this
11 -- any of these options where someone that's not been in the
12 seafood industry or commercial that wants to get into it, you
13 know, is not going to be able to get into the fishery because
14 he hasn't done that. Say someone retired as a fireman, wants
15 to get in commercial fishing or something, there's nothing in
16 any of these options that would allow that. And I think in the
17 long run that will hurt -- it's just my personal opinion -- the
18 -- I don't say the commercial fishery, but the people that
19 depend on commercial fisheries, i.e., the restaurants and
20 everything else, because if you don't have people out there
21 fishing, you know, you're not going to do it.

22 And we all know that a lot of shrimpers,
23 crabbers, are not fishermen. We know a lot of fishermen aren't
24 shrimp and crabbers, you know.

25 So just a thought. I don't see anything in any

25

1 of these that deals with it, and I think it's a serious problem
2 or will be.

3 MR. HILL: The only -- what you said is a lot of
4 shrimpers -- it can be from any seafood product. However,
5 somebody just entering the fishery, never shrimped, never
6 crabbed, never nothing, they're going to have to do something
7 else for that first year to meet one of these requirements to
8 be able to harvest spotted seatrout.

9 MR. BOSARGE: They'll have to earn it.

10 MR. HILL: They will have to earn their right.

11 MR. TAYLOR: I don't think that's right. You
12 don't have to earn a right. You're given the right to employ
13 -- be employed doing what you want to do when you want. That's
14 just my opinion.

15 MR. BOSARGE: My concern, and I would have to do
16 some training to earn the right to be a fireman. You see my
17 point? In other words, that's the way it is.

18 But I would like to make a motion that we accept
19 option four.

20 MR. HILL: Basically, option four would give
21 them the opportunity to -- any 12 -- that they could go back to
22 1982, whenever, there is no time limit, there is no time frame
on it, as long as they come up here with \$5,000 worth of
24 receipts in a 12 consecutive month period in any one year, any
25 12.

26

1 MR. BOSARGE: That's right. You know, in my
2 opinion, this is a commercial license for a commercial fishery.
3 And I don't see where you could have a lack in the amount of
4 fish being produced. They are going to be produced over a
5 longer period of time because there would be commercial
6 fishermen catching them which would allow them to earn more
7 income off of that, being that I think the recreational catch
8 is 1.2 million, the commercial quota we raised to 50,000.

9 MR. TAYLOR: Commissioner Bosarge, my concerns
10 would be eliminated if we had an appeals process, if we added
11 something to where a person entering the fishery that did not
12 commercial fish before could appeal and maybe explain why, use
13 the same appeal process that we use for the licenses now.

14 MR. BOSARGE: I don't have a problem with that.

15 MR. TAYLOR: Okay.

16 MR. GOLLITT: I'll second the motion.

17 MR. TAYLOR: We have a motion on the floor. The
18 motion --

19 MR. GOLLITT: I'll second the motion if we can
20 insert that language.

21 MR. HILL: For an appeals process?

22 MR. TAYLOR: Yes. Just use the same appeals
23 process we use for the licensing now, if you don't have a
24 license, you know, I guess for the oysters is when we had a
25 problem.

27

1 MR. HILL: Before we go any further, I did want
2 to put -- I had this last time -- here are going to be some of
3 the problems. They are going to exist. There's nothing we can
4 -- we have not figured out how to handle some of these yet.

5 The first being is if we do an endorsement, they
6 will not be able to get their endorsement -- they will not be
7 able to get their license in the same day. They're going to
8 have to submit their documentation. It will have to be
9 reviewed by one person or two, however many we assign to it,
10 and a decision will have to be made.

11 Another question that we will have to answer is
12 will fresh product permit holders be allowed to submit their
13 own receipts. These are people that sell to the public. They
14 make out their own receipts. Apparently under Florida law,
15 these receipts are only valid if you sell to a seafood dealer.

16 Does everyone on the boat have to have the
17 endorsement of spotted seatrout or possess while they're
18 commercially -- if one person is commercial fishing for spotted
19 seatrout, does everybody on the boat have to have a license?

20 And we also feel that there are some other
21 unintended consequences that obviously we probably have not
22 thought of.

23 MR. TAYLOR: Under the fresh product permit
24 holders, don't they now have to submit a trip ticket or
25 something now?

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1 MR. BOSARGE: Yes, sir.

2 MR. HILL: They do have to submit a trip ticket.
3 But trip ticket is in its first year of -- it's going to take a
4 little while.

5 MR. GOLLOTT: But isn't that going to open this
6 thing up to somebody falsifying?

7 MR. HILL: This particular -- this allows them
8 to potentially turn in falsified receipts until the trip ticket
9 program becomes something that we can rely on.

10 MR. BOSARGE: And you did put a -- there is a
11 three years, after three years you have to come back and
12 basically --

13 MR. HILL: It's a three year endorsement. So
14 the first problem is not that big of a -- it's a small problem.
15 But once they get it, it is good for three years, so it's not
16 like they have to come back every year.

17 MR. GOLLOTT: I don't see number one being a
18 problem since the season is going to open on such a date, and
19 the fishermen that want to do this can -- you know, they got
20 months to do it. So I don't see number one being a problem.

21 Number two, I don't think I like that. I think
22 they need to sell to a dealer so we can get the proper
23 information at least the first year.

24 Everyone on the boat should have to have an
25 endorsement if they're out there fishing commercially.

29

1 MR. HILL: But before we can take this out for
2 notice of intent, the language is going to have to be correct
3 because it will have to go through an economic impact statement
4 as Joe said earlier.

5 MR. TAYLOR: It's going to have to anyway;
6 right?

7 MR. HILL: That is correct. This is not
8 something that will be enacted for the 2013 season. We're
9 looking at 2014.

10 MR. TAYLOR: Under number two again, you know, I
11 said receipts. Tax return pretty much shows on your tax return
12 where your money is coming from, you know, the tax return. If
13 they're not going to do that, then, you know, I mean, that just
14 -- you know.

15 MR. DIAZ: I just wanted to make a quick comment
16 if I could. I think I heard y'all say that you would like us
17 to build in an appeals process that was real similar to the
18 oyster process. We might have to do something that would be
19 specific for this. What we're doing for oysters I'm not sure
20 would work, just thinking about it real quick.

21 For oysters right now, you have to have had a
22 license in the previous year to be considered for an appeal and
23 landings in the previous year that that fishery was open.

24 And then after that, if they meet those two
25 criteria and they got a hardship reason, we send those on to

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1 Dr. Walker to consider whether the hardship reason is valid or
2 not.

3 So we may have to do something different for an
4 appeals process here because it's different -- dealing with
5 different set of circumstances.

6 MR. TAYLOR: I agree.

7 Okay. So we have a motion on the floor to --
8 for option number four with appeals process stuck in there or
9 put in, excuse me -- I'm acting like Buck. Do I have a second
10 on the motion?

11 MR. GOLLOTT: Yes, I'll second t.

12 MR. HILL: Also, before you vote, we were asked
13 to consider if you are going to pass one of these four options
14 to maybe consider putting a sunset clause in there, reading
15 something like section shall cease to be in effect after April
16 30 with a certain year on there unless further commission
17 action is taken to extend the requirement. April 30 is the end
18 of our commission license year.

19 MR. BOSARGE: Explain it further.

20 MR. TAYLOR: He just wants a sunset --

21 MR. GOLLOTT: What's your reason for that?

22 MR. HILL: So it's not something that would go
23 on and on and on. If there's a problem, then we can -- it
24 would end at a certain date unless the commission -- we can
25 make it 2015, and then you would have to say, well, we want to

31

1 keep doing this, and you could take that provision out of
2 there.

3 MS. CHESNUT: It would also do away with the
4 necessity of doing another economic impact statement if we
5 decide to change it back in the future.

6 MR. HILL: That is correct.

7 MR. BOSARGE: I don't see a problem with that.

8 MR. TAYLOR: I don't, either. I don't think '15
9 would be enough, especially since you're going to --

10 MR. HILL: I just threw a number out.

11 MR. GOLLOTT: What do you think? Five years
12 maybe? The license are due in three years. Why not do it in
13 three years?

14 MR. TAYLOR: Sunset clause in three years.
15 Modify the motion.

16 MR. BOSARGE: Can they do it for six years where
17 it would be two sets of three?

18 MR. HILL: We can do it for six years from date
19 of implementation.

20 MR. TAYLOR: Do you have a problem with that?

21 MR. GOLLOTT: No.

22 MR. TAYLOR: Okay. We have a motion, a second.
23 The motion is option four with an appeals process inserted and
24 also a sunset clause six years from date of implementation. Is
25 that pretty much what --

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1 MR. GOLLOTT: Now, what are you going to do
2 about those four items? How are we going to handle that?
3 MR. HILL: I was hoping you'd tell me.
4 MR. GOLLOTT: Put that back up again, please.
5 MS. CHESNUT: Just to clarify, the motion is on
6 the floor. This is so that the staff could move forward
7 preparing the notice of intent. They will come back next month
8 with the notice of intent prepared based on the motion you make
9 today so that the final wording can be, you know, decided on at
10 that time.
11 MR. GOLLOTT: I don't think number one is a
12 problem.
13 MR. HILL: Okay.
14 MR. TAYLOR: Two, could we just say use the tax
15 receipts -- or not tax receipts, but their tax return? Because
16 if they file a tax return, it's going to show fishing income on
17 there.
18 MR. GOLLOTT: Well, I'm talking about number one
19 now. Do we have a problem with number one? You know, they
20 just need to get their license ahead of time, and they don't
21 need to expect this to be done in one day.
22 MR. HILL: I think in the future number two will
23 take care of itself once the trip ticket program, we get a
24 little better handle on that. But just in the near future,
25 that's not something that we can rely on to verify.

33

1 time if that's all right.
2 MR. HILL: Isn't that what we're doing, Sandy?
3 We'll bring it with the changes, we'll bring it up for notice
4 of intent, then it will have to be voted on at the next
5 meeting.
6 MR. DRUMMOND: Okay.
7 MR. GOLLOTT: You need a vote this time just to
8 proceed?
9 MR. HILL: Yes.
10 MR. GOLLOTT: Okay.
11 MR. TAYLOR: We have a motion on the floor. Do
12 I have a second?
13 MR. GOLLOTT: Second it, Mr. Chairman.
14 MR. TAYLOR: Okay. All those in favor. Passes
15 unanimously.
16 Thank you, Matt. Great job.
17 Next up, and Dale, it's back on the agenda, the
18 oyster update.
19 MR. DIAZ: Yes, sir. Scott is sick today.
20 Bradley Randall is going to fill in for Scott. And this is an
21 action item now. It was changed.
22 5. Oyster Season Update
23 MR. RANDALL: I think I need the commissioner's
24 glasses. There we go.
25 Good morning, commissioners, Ms. Chesnut, Dr.

35

1 MR. BOSARGE: By the time we actually get this
2 implemented, the trip ticket system should be in place long
3 enough to take care of that.
4 MR. TAYLOR: So that's not an issue.
5 Number three.
6 MR. GOLLOTT: I think everybody should have to
7 have an endorsement if they're fishing commercially.
8 MR. TAYLOR: I agree.
9 MR. HILL: We talked to marine patrol about
10 that, and they would like to see that.
11 MR. TAYLOR: I agree, too.
12 And four, you know, there's going to be problems
13 with anything you implement, just have to revisit it, you know,
14 like we have in the past.
15 So we have a motion for option number four with
16 an appeals process and sunset of six years from implementation,
17 everybody on the boat must have a spotted seatrout endorsement,
18 and I think that's pretty much the motion. And I'm going to
19 ask for another second because the motion has changed.
20 MR. DRUMMOND: Can I make a comment first, Mr.
21 Chairman?
22 MR. TAYLOR: Yes.
23 MR. DRUMMOND: Since there are a number of
24 changes in this item on the agenda, I think we should let the
25 staff insert those changes in there and make a vote on it next

34

1 Walker. My name is Bradley Randall, and I'm filling in for
2 Scott Gordon giving you the 2012-2013 limited oyster season
3 update.
4 This is a graph of our historic landings
5 throughout the -- since 1990. As you can see, the 2004-2005
6 was our peak season, almost 500,000 sacks. And then Katrina
7 hit, and we were down. You can see our media right here after
8 Katrina. Started to build back up to over 350,000 sacks back
9 in 2009, and then this is reflecting of the Bonnet Carre
10 Spillway where we had to close the oysters. And then 2012 our
11 limited season so far.
12 We opened up our oyster season on November 5 on
13 a Monday. So far we had a total of 12 days of harvesting.
14 You can see the breakdown of the total number of
15 trips during these 12 days. This is the number of boats out of
16 Pass Christian harbor, this is the Mississippi dredging,
17 nonresident dredging, Mississippi tongers and nonresident
18 tongers.
19 And these are the Bayou Cadet trips so far, 348
20 for Mississippi, and 64 nonresidents, with a total of 1,257
21 trips in the past 12 days.
22 This is a breakdown of number of sacks harvested
23 through license type. And our grand total so far for 12 days
24 is 20,980. And that works out to be about 1,748 sacks per day.
25 I think this kind of reflects -- we've had some

36

1 bad weather days, so a lot of the tongs haven't been able to
2 go out, and that's why we're seeing some of the low numbers
3 right here. Obviously none of the tongs could go out of
4 Bayou Cadet.

5 Any questions about the oyster harvesting so
6 far?

7 We'd like to let you know that we are -- we have
8 staff out every day interviewing fishermen, making
9 observations, and doing samples on the reefs to determine the
10 quality of the reef and how much resource is on the reefs. And
11 so far it's been holding out pretty decent. The fishermen are
12 starting to migrate, but they'll stop for a little bit, then
13 they'll move on to another one that's a little more productive,
14 a little easier.

15 Yesterday, Dale went out with some staff, and
16 some of the guys were mostly on the Pass Marianne reef, a
17 little bit south of Square Handkerchief and Henderson Point
18 areas.

19 These are total number of license sales as of
20 November 19, 2012.

21 These are the numbers right here. These
22 negative numbers reflect if we had a quota set like right here,
23 we have 94, and a guy's boat either broke down or he couldn't
24 use it, he was allowed to surrender his license and then
25 repurchase another license for another boat. That was allowed.

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1 Dale explained before what the criteria was to meet in order to
2 have a license.

3 And with that, do you have any questions?

4 MR. GOLLOTT: I have some. The reason I moved
5 this to an action item, your graph up there shows we had 28
6 nonresident license left. And I had some fishermen from
7 Mississippi complaining that we had ran out of Mississippi
8 licenses, holding 30 licenses, 28 licenses, for out of state
9 people.

10 I think this has been an unintentional
11 consequence. We should never turn our own people away and not
12 sell them a license and hold licenses for out of state people.
13 That's just not right.

14 What I'd like to do is make a motion that we
15 take the cap off of the licenses and give the authority to Dr.
16 Walker if he sees us -- you know, if we get in trouble, he can
17 intervene or the director can put a cap back on.

18 But I talked to counsel, and he said that would
19 probably be the best way is to, you know, break this up. Let's
20 don't hold so many license for our local people, and then out
21 of state people, that's just not right. We just need to sell
22 license.

23 And if the director wants to put a cap on it,
24 that's fine.

25 But I'd like to make a motion that we do that.

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1 MR. BOSARGE: I actually had a couple of
2 requests sort of similar in that at one point whenever this all
3 had to do with licensing, whenever we closed the dredging and
4 allowed the dredgers to buy tonging license and had a couple of
5 the guys that have tonging license that would like to go
6 dredging, but the dredgers can trade their license in for a
7 tonging license, but the tongs can't trade their license for
8 a dredge license.

9 MR. TAYLOR: Steve and Commissioner Gollott,
10 would it be better if we just kept the caps on them, but after
11 a certain point allowed the nonresident whatever is left to go
12 over to the resident. You understand what I'm saying?

13 In other words, you know, when the season opens,
14 I know they have to have a license by what day, when it opens.

15 MR. GOLLOTT: Mr. Chairman, I don't have a
16 problem with that. I think we just need to set a cap on how
17 many licenses we want to sell and sell them and don't worry
18 about out of state people and give the authority to the
19 director to adjust it if he needs to.

20 MR. TAYLOR: Well, let me just make a comment
21 about that, too. And what I think could happen is we get our
22 oyster reefs rebuilt, and I don't know if the out of state --
23 does he have to have a license the year before to get it rebid,
24 or can he just come in and buy a license?

25 MR. DIAZ: Well, the way this worked last year

39

1 -- I'm going to try to back up a little bit. The way it worked
2 last year is I believe we opened up license sales for a month.
3 And during that month if they had a license in the previous
4 year could come in and buy a licenses.

5 At the end of that month, licenses was open to
6 anybody who wanted to buy a license. So there's been a long
7 period of time in which anybody could buy a license. They were
8 not restricted, whether they had a license previously or not.

9 MR. TAYLOR: I guess my question is: Do you
10 think if we did that that we would be inviting nonresident
11 oyster tongs and dredgers that would come do it and then we
12 wouldn't have licenses for our resident people?

13 MR. GOLLOTT: Counsel has informed me that the
14 best way to do this is just take the cap off. The people in
15 Alabama is not coming over here because they have oysters in
16 Alabama this year. Louisiana is not going to come over here
17 because of the sack limit. So I don't think we'd --

18 MR. BOSARGE: I know in Louisiana, it is a
19 closed fishery. And I have a little bit of problem taking the
20 cap off. Would it not be okay if we went when the season opens
21 if there's any remaining licenses left for nonresidents we
22 could apply that to residents? And then it would basically do
23 what you're wanting to do. We'd still have the cap set but we
24 would be able to have more guys that have resident license use
25 that to buy one.

40

1 MR. GOLLOTT: You know, we could revisit this
2 next season. And Dr. Walker has the authority to set the cap
3 now, it's just that we've got this so many from Mississippi and
4 so many --

5 MR. BOSARGE: It's a shame that we have licenses
6 left over and our fishermen in the state --

7 MR. GOLLOTT: Are being turned down.

8 MR. BOSARGE: I agree.

9 MR. TAYLOR: Then we have a motion on the floor,
10 if there are no further comments, Steve.

11 MR. BOSARGE: We can take the caps off. The
12 issue I was talking about where we allowed the dredgers to buy
13 tonging license or trade their license, that the tongers could
14 trade for a dredge. So this maybe would fix that problem?

15 MR. DIAZ: I have had -- right now they
16 currently can't do that. But I have had a few tongers that
17 have asked if they could turn in their tonging license and
18 trade for a dredging license. So that I would say about four
19 people, Joe, has made that request?

20 MR. GOLLOTT: Would removing the cap fix that,
21 Dale?

22 MR. DIAZ: It would. If you remove the cap,
23 then anybody could buy any license any time.

24 MR. TAYLOR: Okay. So we have a motion.

25 MR. BOSARGE: Go.

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1 MR. TAYLOR: Okay. Any other comments? We have
2 a motion on the floor to remove the cap on the number of
3 licenses. And do I have a second?

4 MR. BOSARGE: Can we get some comment? Dale,
5 what are your thoughts or Bradley with doing this? I don't
6 want to be too hasty here.

7 MR. DIAZ: I want to be careful what I say here.
8 I think basically what we did in the past has worked. There
9 are some nonresident licenses that are available. But one of
10 the things our residents were saying is they would like to
11 eliminate some of the nonresidents that come over here.

12 And being the fact that we did not sell all of
13 our nonresident license out, I mean, that kind of points to a
14 little bit of the fact that it did something I think y'all were
15 trying to accomplish whenever we first implemented it.

16 As far as whether you take the cap off or not
17 for this point in the season, I mean, I think it's only going
18 to affect a few people. The season is winding down, and I
19 don't think we're going to have a big slug of boats come in
20 here if you take the cap off. But I don't know if it has any
21 implications on what you do next year. I mean, that's another
22 decision.

We generally come to y'all in February and start
24 talking to you about license caps. Last year we came to you in
25 February, but we really didn't settle it until April.

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1 MR. BOSARGE: I guess my question is: If we
2 remove the caps now and just open the fishery up, I'm like you,
3 I don't see a problem this year. I see if the reef rebuilds
4 and there's a great abundance of oysters, then next year all of
5 a sudden we've got -- we're covered up, more fishermen than we
6 need. That's what my concern is.

7 But I think you're saying that we could modify
8 it again before the season is opened?

9 MR. DIAZ: It's my intention unless somebody
10 changes my mind for us to bring back to y'all in February a
11 motion for y'all to consider whether to cap licenses for
12 oysters next year. That's my intention.

13 MR. BOSARGE: Commissioner Gollott, is that kind
14 of what you see? In other words, are you thinking of taking
15 the cap off just so some of these fishermen can fish the rest
16 of the season and not worry about next year? Or are you
17 thinking also next season coming up?

18 MR. GOLLOTT: You know, we always set it in the
19 beginning of the season, so it will be set next year at the
20 beginning of the season. I'm just looking at finishing this
21 season up and letting our people who want to make a living
22 doing it.

23 And it's winding down, like Dale says. But
24 still it's not right for us to turn our own people down and not
25 sell them a license when there's license available.

43

1 MR. BOSARGE: Do you want to modify your motion
2 just a little bit to where we take the cap off for now but then
3 we revisit this again next season?

4 MR. DIAZ: Bradley did make a comment from this
5 previous slide. I don't know if you noticed, but we've been
6 getting about 90, 100 boats a day working, and you can see the
7 total number of license that we have is substantially more than
8 that. So only a smaller percentage of license holders actually
9 are participating.

10 MR. BOSARGE: And I'm sure there are license
11 requirements, I'm sure there are a bunch of them that are
12 buying their license so they'll be sure that they get one for
13 the coming year.

14 MR. DIAZ: Yes.

15 MR. TAYLOR: Okay. We have a motion on the
16 floor to modify the cap. And do I have a second?

17 MR. DRUMMOND: Second.

18 MR. TAYLOR: All those in favor. All those
19 opposed? Motion passes.

20 MR. RANDALL: I have one more item.

21 Area VI in Jackson County was not able to open
22 up due to water quality issues. We've been working with the
23 FDA taking samples. So we will not be able to open that up.
24 That's Bell Fontaine beach, Pascagoula River.

25 And right now in Area VIII, which is East

44

1 Jackson County in the NERR, and Area VI, we're doing a
2 bacterial source tracking to find out where the fecal coliform
3 is coming from.

4 So we're in the process of evaluating that right
5 now.

6 MR. BOSARGE: And when do you expect to get
7 those results?

8 MR. RANDALL: Dale says about two weeks.

9 MR. GOLLOTT: Is there any chance we can get
10 that on the Area VI, also?

11 MR. DIAZ: Both areas have been tested.

12 MR. RANDALL: Thank you.

13 MR. DIAZ: That concludes marine fisheries, Mr.
14 Chairman. Thank you.

15 MR. TAYLOR: Thank y'all very much.

16 Next up is coastal ecology, Jan Boyd.

17 H. Coastal Ecology

18 MR. BOYD: Good morning, Mr. Chairman,
19 commissioners, Dr. Walker, Ms. Chesnut.

20 Coastal has two action items for your
21 consideration this morning, and Jennifer Wittmann will be our
22 first presenter.

23 3. Bureau of Wetlands Permitting

24 a. Kenneth Lee

25 MS. WITTMANN: Good morning. My name is

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1 Jennifer Wittmann. I'll be presenting the first item on the
2 agenda today. It's a permit request by Kenneth Lee located on
3 St. Martin Bayou at 15409 Sequoia Avenue in Biloxi -- in
4 D'Iberville, and that is in Jackson County.

5 The project location is indicated by the yellow
6 star in reference to I-10 and I-10, and then again the yellow
7 star showing the project location on the zoomed-in view.

8 The applicant is requesting authorization to
9 construct a multifamily pier and to dredge.

10 They are requesting 412 square feet of access
11 pier, 1970.5 feet of piers and boathouse, 1,684.1 cubic yards
12 of dredging, and 70 linear feet of bulkhead.

13 The areas in red show the areas that are
14 proposed for dredging. The small hatched areas are areas of
15 SAV that were found during our SAV survey. None of the
16 dredging will take place within ten feet of the submerged
17 aquatic vegetation as required.

18 In this picture, the red shows an area of access
19 pier that will be built. Again, the access pier has been
20 constructed in a way to avoid all of this submerged aquatic
21 vegetation and marsh area. And this is the existing bulkhead
22 that will be replaced.

23 This is the second area of construction. The
24 red line here shows an access pier that will go over emergent
25 vegetation and come out over the waterway. This will be a

46

1 boathouse and piers in the area. But again, all being
2 constructed in a way to avoid the submerged aquatic vegetation.

3 The project does not serve a higher public
4 purpose.

5 It is allowable within the general use district.

6 Similar projects have been approved by the
7 commission, and no precedent setting effects are anticipated.

8 Two piers will cross on portions of vegetated
9 coastal wetlands. For single family residential projects, only
10 one access pier is typically allowed. However, up to two has
11 been allowed for multifamily piers and commercial projects such
12 as marinas.

13 This applicant has worked with DMR, as well as
14 other state and federal agencies, to ensure that all of their
15 impacts have been reduced to the maximum extent with the piers
16 and the dredging.

17 Best management practices will be utilized
18 during all phases of construction to minimize adverse impacts,
19 and the placement of structures in dredging have been adjusted
20 from the initial design again to minimize those impacts to
21 coastal wetlands.

22 No offsite alternatives have been considered.

23 This is a private residence, and the project serves to allow
24 the property owners and members of his family who have
25 residences located on the same water -- excuse me -- on the

47

1 same property access to the water.

2 Piers and boathouses and dredging do require
3 waterfront location.

4 The proposed structures are consistent with
5 structures that are typically allowed in residential areas, and
6 there should be no adverse impacts to the natural scenic
7 qualities.

8 Notification of the project appeared in the Sun
9 Herald as required. No public comments were received.

10 DEQ is currently reviewing the project.

11 Archives & History has requested a cultural resources survey.
12 Department of Wildlife, Fisheries & Parks is currently
13 reviewing the project. And the Secretary of State's Office
14 requested that the bulkhead be constructed no further waterward
15 than the current mean high tide line.

16 Based on departmental review and evaluation, it
17 has been determined that the project is consistent with the
18 Mississippi Coastal Program and has minimized impacts.
19 Therefore, we recommend issuance of the permit contingent on
20 clearance from the Mississippi Department of Archives & History
21 and the Mississippi Department of Environmental Quality.

22 MR. TAYLOR: Any questions? Do I have a motion?

23 MR. GOLLOTT: Mr. Chairman, I make a motion that
24 we approve this application.

25 MR. TAYLOR: Do I have a second?

48

1 MR. BOSARGE: I second.

2 MR. TAYLOR: All those in favor. Motion carries
3 unanimously. Thank you.

4 MS. WITTMANN: Thank you.

5 b. Chevron Pipe Line Company

6 MR. DAVIS: Good morning. My name is James
7 Davis. I'll be presenting the last item for coastal ecology.

8 We have a violation/after-the-fact waiver by
9 Chevron Pipe Line Company. It's located on an unnamed canal
10 adjacent to the Mississippi Sound on Highway 611 in Pascagoula.
11 It's in the industrial development use district. And the agent
12 is Project Consulting Services.

13 Here you can see the project location just south
14 of the refinery in Pascagoula.

15 A zoomed-in location. This is an outfall
16 drainage canal from Highway 611.

17 The applicant has installed 440 square feet of
18 unauthorized articulated concrete mat in tidal and tidally
19 influenced wetlands.

20 On April 2011, DMR issued a certificate of
21 waiver for the installation of a pipeline by means of
22 directional drilling. Temporary wetland fill was authorized
23 for the activity with the condition all wetlands would have to
24 be restored in accordance with DMR's marsh restoration
25 guidelines once it was completed.

49

1 On September 2012, we received an after-the-fact
2 application for the installation of concrete mat which was
3 placed in order to control erosion in the area where the
4 pipeline was joined together.

5 Project description. You can see this is that
6 little canal that we were showing you earlier, and then our mat
7 is right here. You'll see it in the picture coming up.

8 This is the complete worksite. In the
9 background is the articulated mat.

10 This is the mat looking down the canal.

11 And then just an up-close view of the mat in
12 place.

13 This project does serve a higher public purpose
14 by allowing the refinery to prevent erosion around existing
15 pipeline needed for refinery production.

16 The project is allowable within the industrial
17 development use district.

18 Similar projects have been approved by DMR, and
19 it is not expected to set a precedent.

20 Placement of the mat in any wetlands have
21 already been affected. Initially there would have been
22 temporary decrease in number of marine organisms; however, over
time the number of organisms may increase due to attachment
24 sites provided by the mat. And impacted areas must be restored
25 to their pre-impact condition in accordance with the issued

50

1 waiver.

2 The project should not have any adverse impacts
3 other than the loss of benthic organisms.

4 The activity is low profile. It should not
5 affect the natural supply of sediments, nutrients, temperature,
6 salinity, water flow, or circulation.

7 All impacts have already taken place, so there
8 should not be any more adverse impacts.

9 No offsite alternatives were considered as this
10 is an area where existing pipelines are located.

11 The project requires waterfront location due to
12 needing close proximity to the previously installed pipeline.

13 This project is located in an industrial area
14 and should not affect natural scenic qualities.

15 National interest. Refinery is an integral
16 contributor to energy needs of the Nation, and pipelines are a
17 critical part of the refinery.

18 DEQ is currently reviewing the project.

19 Archives & History has no comment. Secretary of State has no
20 objection. And Wildlife, Fisheries & Parks have no objection.

21 Upon departmental review, it's been determined
22 the project is consistent with the Coastal Program. Staff
23 recommends approval of the project and that a fine be issued in
24 accordance with Mississippi Code 49-27-51. And the fine should
25 be paid within 60 days of the commission's ruling.

51

1 The violation was discovered September 5, 2012.
2 Duration was 56 days. Maximum potential fine is five hundred
3 fifty thousand. Minimum fine is one thousand. We do recommend
4 a fine of one thousand. The project does meet guidelines. The
5 applicant is aware of the permitting process. And they
6 self-reported and have been very cooperative.

7 And the applicant and agent are here if you have
8 any questions.

9 MR. TAYLOR: Do y'all have any questions or
10 comments?

11 MR. DRUMMOND: I have a question for James.
12 What is after-the-fact waiver? I don't know that I've heard
13 that before.

14 MR. DAVIS: It's just another step in our
15 permits. We have general permits that we issue. We have
16 waivers, exclusions, and then permits.

17 This one, since it is minor in impact, it
18 doesn't have to go through all the steps that a permit would
19 require. But it is still after the fact, and it has to come
20 before the commission.

21 MR. DRUMMOND: I make a motion.

22 MR. TAYLOR: That we accept the staff's
23 recommendation?

24 MR. DRUMMOND: I make a motion but I'd like to
25 change that motion somewhat. Since Chevron Refinery is a major

52

1 interest in Jackson County, it's contributed heavily to the
2 cause over there, and I suggest we dismiss the fine, and I make
3 a motion we approve the recommendation of the staff for this
4 project.

5 MR. TAYLOR: We have a motion on the floor. Do
6 we have a second?

7 MR. BOSARGE: I'm okay as long as it doesn't set
8 a precedent.

9 MR. DAVIS: That would have to be directed
10 towards Sandy.

11 MS. CHESNUT: As long as you stated the reasons
12 in the record why you're waiving the fine in this case, it
13 shouldn't set a precedent.

14 MR. TAYLOR: Okay.

15 MR. BOSARGE: I'll second the motion.

16 MR. TAYLOR: We have a motion to accept staff's
17 recommendation but because of the Chevron's jobs, I guess, and
18 what they do for the community, we waive the fine. I have a
19 motion and a second. All those in favor. Passes unanimous.
20 Thank you.

21 Thank you, James.

22 MR. DAVIS: I believe this concludes coastal
23 ecology's portion of the meeting.

24 MR. TAYLOR: Okay. Tidelands office, Joe.
25 Current.

53

COMMISSION ON MARINE RESOURCES

COURT REPORTER'S CERTIFICATE

1 I, Norma Jean Ladner Soroe, Certified Shorthand
2 Reporter, do hereby certify that to the best of my skill and
3 ability I have reported the meeting of the Commission on Marine
4 Resources and that the foregoing 54 pages constitute a true and
5 correct transcription of said meeting held on the 20th day of
6 November 2012.

7 I do further certify that my certificate annexed
8 hereto applies only to the original and certified transcript.
9 The undersigned assumes no responsibility for the accuracy of
10 any reproduced copies not made under my control and direction.

11 Witness my signature this the 5th day of December
12 2012.


NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

55

1 Financial report.

2 J. Administrative Services

3 MR. DOSTER: We all need glasses this morning, I
4 believe. Sorry about that.

5 MR. TAYLOR: See, I started something.

6 MR. DOSTER: Okay. The financial report. Our
7 total budget for Fiscal Year 2013 -- excuse me. My name is Tom
8 Doster. I'm filling in for Kara Vesa this morning.

9 The budget for Fiscal Year 2013 is \$6,152,176.

10 The budget remaining for Fiscal Year 2013 is \$3,489,995. And
11 the tidelands funds of \$10,170,743 are all obligated.

12 Are there any questions?

13 MR. TAYLOR: Thank you. Any other business to
14 come before the commission? Shelby.

15 MR. DRUMMOND: I make a motion we adjourn.

16 MR. TAYLOR: Do I have a second?

17 MR. GOLLOTT: You've got a second.

18 MR. TAYLOR: All those in favor. Thank you.
19 (Meeting adjourned 10:20 a.m.)

54